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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,896	12/10/2003	Gary Lascelles	28514-1	6875

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,896

Applicant(s)

LASCELLES, GARY

Examiner

Donald Loney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8-10,12 and 14 is/are rejected.
- 7) ☒ Claim(s) 2,5,7,11,13,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer 1531983)

Sawyer teaches a composite of at least three layers wherein ridges are formed on at least one surface of the layers and wherein the ridges extend in at least two different directions. Refer to the ridges 11 in figures 1, 3 and 4 in Sawyer that extend in two different slanted directions. The area between the ridges 11, in the outer sheets, which extend into the middle sheet, can be considered the ridges in the middle sheet. The ridges extend in four different directions if one looks at the four sets of grooves 11 shown in fig. 2. Refer to page 1, lines 31-54 and claim 2.

3. Claims 1, 3, 6, 8, 9, 10, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by either Piper (2698915) or Adie (3043730).

Both Piper and Adie teach a composite of at least three layers wherein ridges are formed on at least one surface of the layers and wherein the ridges extend in at least two different directions. Piper shows outer sheets 10, 17 that contain ridges 11, 15 that run in different directions (i.e. transverse). The area between the ridges 11 and 15, in the outer layers, which extend into the middle layer, can be considered the ridges in the

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middle sheet. Refer to figure 1. Adie discloses outer sheets 12 that contain ridges 14 that extend at two different directions connected to a middle sheet 10. The area between the ridges 141, in the outer sheets, which extend into the middle sheet, can be considered the ridges in the middle sheet. The examiner notes that the ridges in the middle sheet would not be continuous due to the criss crossing of the ribs 14 in the outer sheets, however, the applicant's claims do not exclude the ribs being discontinuous. Both references show the ribs crossing at a 90-degree angle per claims 6 and 12. Claims 8 and 14 do not add any additional distinguishable structure to the claims, as they are drawn to what one wants to call the ridges and end portion. The sheets are planar per claims 3 and 10.

Allowable Subject Matter

4. Claims 2, 5, 7, 11, 13, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach the additional layers per claims 2 and 15, the longitudinal and diagonal orientation per claims 5 and 11 and the 45 to 75 degree orientation per claims 7 and 13.

Response to Arguments

6. Applicant's arguments filed August 25, 2005 have been fully considered but they are not persuasive.

The applicant argues that Sawyer fails to teach ridges that extend in a predetermined direction along the plane of the at least one surface and that the ridges extend in at least two different directions. Sawyer does show ridges that extend along the plane of the surface and at what one can consider four different directions as discussed above. The applicant only amended the claims to say the ridges extend along the plane of the surface, which they do in Sawyer, and not that they extend at least two different direction along the plane of the surface. Claim 9 includes this limitation as was not included in the rejection over Sawyer.

The applicant argues that Piper fails to teach having ridges on the surfaces of the sheets. However, the conductors 11 and 15 referred to by the examiner above do constitute ridges on the sheet. The applicant is claiming a "composite", with open claim language drawn to "comprising", therefore, the ridges can be formed of something else than from the sheet.

The applicant argues that Adie fails to show ridges that nest between a plurality of ridges on an adjacent sheet. However, the section of the foam sheet that extends between parallel ribs 14 on the bottom sheet, or the ribs that are transverse thereto on the top sheet, would nest there between. It is noted that the ridges in the foam sheet would not be continuous, but they would still nest between the ribs on the top and/or bottom sheet.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

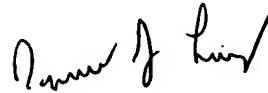
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney
Primary Examiner
Art Unit 1772

DJLD.Loney
11/11/05